

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Brenda K. Taite,
Plaintiff

v.

Civil No. 08-cv-258-SM

James B. Peake, Secretary,
Department of Veterans Affairs,
Defendant

NOTICE OF RULING

Re: (Document No. 10) The Secretary of Veteran Affairs'
Objection to Plaintiff's Motion to Amend Her Complaint

Ruling: The Magistrate Judge properly granted plaintiff's motion to amend her complaint and properly concluded that the amended complaint is the controlling pleading. I decline to treat the objection to plaintiff's motion to amend her complaint as a "motion to dismiss." That is, the Magistrate Judge's construction to that effect is not accepted. If defendant wishes to file a motion to dismiss the amended complaint, he must do so via a properly captioned pleading and focused argument. Otherwise, the docket will quickly become indecipherable.

Entered by: Steven J. McAuliffe, Chief Judge

Date: February 19, 2009

cc: Brenda K. Taite, pro se
Seth R. Aframe, Esq.